

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

EUNICE GARZA,

Plaintiff

v.

CIGNA LIFE INSURANCE COMPANY  
OF NEW YORK and  
L-3 COMMUNICATION, INC.

Defendants.

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C. A. NO. 2:16-CV-00182

**AGREED MOTION TO SET ASIDE DEFAULT JUDGMENT AND DISMISS WITH  
PREJUDICE**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

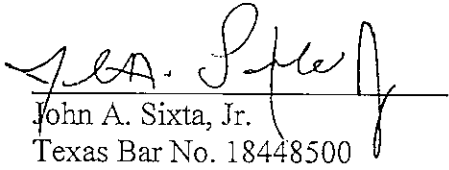
Comes now, Plaintiff, Eunice Garza and files this her Unopposed Motion to Set Aside Default Judgment against L-3 Communication, Inc. and to Dismiss all claims against Defendant Cigna Life Insurance Company of New York and L-3 Communication, Inc., and requests this Court to enter the attached Order of Dismissal of Claims. All matters and disputes between the parties have been resolved.

The parties have entered into an agreement to resolve all disputes. As part of that agreement, the parties agreed to file an agreed motion to set aside the default judgment against L-3 Communications, Inc. entered on April 21, 2016, while the case was pending in the 105th Judicial District Court of Nueces County prior to removal to federal court. The parties request this Court enter an order that grants the pending motion to set aside default judgment and motion for new trial filed by L-3 Communications Vertex Aerospace, LLC on May 20, 2016, and sets aside the default judgment and declares it null and void.

WHEREFORE, it is prayed that this Motion be granted, that the default judgment against L-3 Communications, Inc. be set aside and that an order of dismissal, with prejudice, be entered on all claims filed by Plaintiff Eunice Garza against Defendant Cigna Life Insurance Company of New York and L-3 Communications, Inc. and that attorneys' fees and costs of court be taxed against the party incurring same.

Respectfully submitted,

By:

  
John A. Sixta, Jr.  
Texas Bar No. 18448500  
850 Tower II  
555 N. Carancahua St.  
Corpus Christi, TX 78401  
361/883-3742  
361/883-2771 Fax  
Email: sixtalawyer@gmail.com

ATTORNEY-IN CHARGE FOR PLAINTIFF  
EUNICE GARZA

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing document was forwarded to all attorneys of record in accordance with the Federal Rules, on this \_\_\_\_ day of November, 2016.

Linda P. Wills  
WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP  
909 Fannin Street, Suite 3300  
Houston, TX 77010

David Lee Crawford  
PHELPS DUNBAR LLP  
One Allen Center  
500 Dallas Street, Suite 1300  
Houston, TX 77002

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**AGREED ORDER OF DISMISSAL WITH PREJUDICE**

ON THIS day, this Court considered the motion of Plaintiff Eunice Garza to dismiss all claims against Defendant Cigna Life Insurance Company of New York and L-3 Communication, Inc. with prejudice and finds that the Motion is well taken. It is therefore:

**ORDERED, ADJUDGED AND DECREED** that Plaintiff Eunice Garza's Motion to Dismiss all claims against Defendant Cigna Life Insurance Company of New York with prejudice is **GRANTED** and all claims and causes of action by Plaintiff against Defendant are **DISMISSED WITH PREJUDICE**.

Further, the Court grants the pending motion to set aside default judgment and motion for new trial filed by L-3 Communications Vertex Aerospace, LLC on May 20, 2016,

It is hereby ORDERED the default judgment against L-3 Communications, Inc. entered on April 21, 2016, while the case was pending in the 105th Judicial District Court of Nueces County is set aside, and the default judgment is DECLARED null and void.

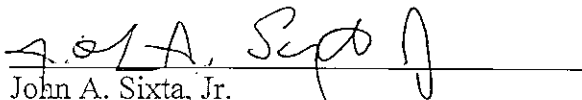
No additional claims by any party are pending in this action against any party, and this dismissal order is a final judgment disposing of all claims in this action.

Costs of court and attorney's fees are to be borne by the party incurring same.

SIGNED this \_\_\_\_ day of \_\_\_\_\_, 2016.

UNITED STATES DISTRICT JUDGE

APPROVED AND ENTRY REQUESTED:



John A. Sixta, Jr.  
Texas Bar No. 18448500  
850 Tower II  
555 N. Carancahua St.  
Corpus Christi, TX 78401  
361/883-3742  
361/883-2771 Fax  
Email: sixtalawyer@gmail.com

ATTORNEY-IN CHARGE FOR PLAINTIFF EUNICE GARZA

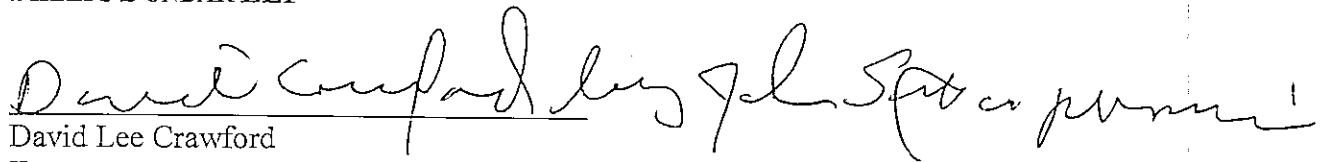
WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP



Linda P. Wills  
State Bar No. 21661400  
Fed. Bar No. 12566  
909 Fannin Street, Suite 3300  
Houston, Texas 77010  
713/353-2000  
713/785-7780 Fax  
Email: [Linda.Wills@WilsonElser.com](mailto:Linda.Wills@WilsonElser.com)

ATTORNEY-IN-CHARGE FOR DEFENDANT  
CIGNA LIFE INSURANCE COMPANY OF NEW YORK

**PHELPS DUNBAR LLP**

A handwritten signature in dark ink, appearing to read "David Lee Crawford", is written over a horizontal line.

David Lee Crawford

Texas Bar No. 05020100

500 Dallas Street, Suite 1300

Houston, TX 77002

713/626-1386

713/626-1388 Fax

E-mail: [Crawford@phelps.com](mailto:Crawford@phelps.com)

**ATTORNEY-IN-CHARGE FOR DEFENDANT**  
**L-3 COMMUNICATION, INC.**